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ABSTRACT

The report addresses the status in North Carolina and in the nation of child exploitation. Legislative and judicial backgrounds of child pornography and child prostitution are reviewed, and difficulties in obtaining statistical data are noted. Law enforcement issues in pornography are cited, and suggestions for further legislation regarding child pornography are also covered. Issues in missing children in the state are briefly addressed. A discussion of the national perspective on child exploitation centers on the offenders and the victims of child pornography, child prostitution, and runaway children. Physical and psychological effects of sexual exploitation are reviewed. Difficulties with previous federal legislation are described, along with the 1982 Missing Children's Act and pending legislation. Appendixes include the North Carolina Child Protection Act of 1983 and criminal law involving rape and other sex offenses. (CL)

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CHILD EXPLOITATION

Some Pieces of the Puzzle

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Governor's Advocacy Council
on Children and Youth
October 1984

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CHILD EXPLOITATION: SOME PIECES OF THE PUZZLE

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PREFACE

This is an important and timely report that begins to put together the complicated pieces of the child exploitation puzzle. Runaways, missing children, child sexual abuse, pornography and prostitution all have interlocking components, making it hard to separate one from the other. For example, children may run away from home because of abuse, only to become lured into prostitution or to be convinced that posing for pornographic photos ;is acceptable. The combinations of these "puzzle pieces" are numerous and we are only just beginning to understand how they fit together.

The Governor's Advocacy Council on Children and Youth (GACCY) began looking into the issue of child exploitation several months ago, to identify the scope of the problem in our state and to offer possible solutions to the problem. Recent charges against two Wilson County men for child pornography have supported our findings that more research and data need to be collected about this important problem. Suddenly we have been forced to realize that children can be exploited right here in North Carolina - that childhood victimization is not limited only to a few big cities in a few other states. But no matter where it occurs, we are all affected and we must begin to deal with the different facets of the problem immediately.

GACCY expresses its appreciation to Dorothy Rohlader, researcher and author of this report. Mrs. Rohlader volunteered approximately eight months of her time to study this topic, conduct interviews, write the report and offer recommendations. She has done an outstanding job of condensing a complicated issue into an understandable and informative report.

Herb Stout
Chairman, GACCY

October 1984

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EXECUTIVE SUMMARY

Law enforcement officials estimate that each year as many as one million youngsters from birth to 16 are sexually molested and then filmed either for profit or sexual gratification. In the past, emphasis has been placed on those individuals who deal in child pornography for profit. However, experts now believe that a great deal of child pornography is produced by individuals, called pedophiles, for their own sexual gratification.(1) Legislators, law enforcement officials, social service professionals, parents, children and the general public need to be made aware of this situation.

This new understanding of child pornography will force us to change old attitudes and preconceived notions of who might take pornographic pictures of children and which children might be susceptible to this type of exploitation. Pedophiles are often the most respected members of the community, the very individuals into whose care we entrust our children.

Child prostitution often occurs along with or grows out of child sexual abuse and pornography. Boys and girls who are sexually abused at home frequently run away rather than stay and be subjected to further exploitation. Each year, 1.5 million children are reported as runaways nationally.(2) Although most of these children return home within 48 hours, those who do not may be lured into further exploitation in the form of child pornography or prostitution in order to support themselves.

The purpose of this report is to clarify the problem of child exploitation with emphasis on child pornography and prostitution. It is imperative that North Carolinians understand who threatens their children and under what circumstances so that legislation, education and policies will be based on the best understanding of the problem, not groundless fears and false assumptions.

Legislation is recommended to extend North Carolina's Child Protection Act of 1983 so that children are protected from pedophiles who might use them in child pornography for their own sexual gratification. It is also recommended that the age of children protected under this law be raised from under 16 to under 18, since age determination of children used in pornography and prostitution is often very difficult for law enforcement officials.

Since detection of child exploitation is even more difficult with pedophiles, strong recommendations are made for educating children about the difference between good and bad touching and photographing of certain parts of their bodies.

Improved data collection on child victims of exploitation is also recommended so that the true scope of the problem will be known and corrective policies can be adopted. At the present time, no one knows how many children are exploited in North Carolina, how many are missing or how many have run away.

These recommendations and others, which follow, are intended to increase our understanding of child exploitation and its associated problems and to encourage further study and assessment of children's needs in North Carolina.

RECOMMENDATIONS

STATE LEGISLATION

1. Support legislation which would make pedophiles, who use child pornography for personal sexual gratification rather than for commercial gain or for use before an audience, guilty of a felony.

2. Raise the felony level to Class H (imprisonment up to 10 years or a fine or both) from Class I (imprisonment up to 5 years or fine or both) on Child Protection Act of 1983 and on any subsequent legislation on the subject of child exploitation.

3. Increase penalties and fines for crimes against children and start collecting them. Establish a fund from fines to be used for the care and treatment of victims and offenders.

4. Encourage legislation with stiff penalties against johns (clients of prostitutes) and pimps (those who encourage and support prostitutes and who are compensated from their earnings) specifically involved in child prostitution.

5. Raise the age of juveniles protected against sexual exploitation from less than 16 to less than 18.

6. Support the Division of Social Services in the North Carolina Department of Human Resources in its recommendation to include the concept of sexual exploitation in the Juvenile Code.

7. See that data collection is begun on child victims of sexual exploitation, missing children and runaways. Support funding for statewide incident reporting.

FEDERAL LEGISLATION

Support Missing Children's Bills now before House and Senate.

PREVENTION AND EDUCATION

1. Support and encourage the education of parents, teachers and children about child sexual exploitation.

    a. The Illusion Theater of Minneapolis, Minn., often performs and gives workshops for all three groups.

    b. The film "The Sixth Sense" can be used in the state school system to educate children.

2. Broaden community awareness of the problem of sexual abuse and exploitation by:

    a. arranging for the rebroadcast of the film concerning incest "Something About Amelia."

    b. investigating the feasibility of broadcasting Bill Russell's spots on preventing child sexual abuse.

3. Support and encourage the growth of family services for:

a. Parent education: to help parents understand the emotional needs of their children and thereby reduce the number of runaways. To help parents understand their own emotional development since sexual abuse often occurs in families where parents are unable to control their own emotions and impulses.(3) For example: Project Enlightenment in Raleigh.

b. Crisis intervention: to help unstable families and rebuild those in a state of disintegration.

4. Support and encourage marriage and family life education in high schools.

"Instruct children on the responsibilities and trials of family life including the duties of parenthood, emotional needs of parents and emotional development of children. These programs should educate children on the dynamics of intrafamily relationships so that children not only better understand their present environment but also will better respond to their own children in the future."(4)

5. Encourage the inclusion of a counselor on the staff of every school at every level. This counselor should move among the students and be a resource available to them.

6. Encourage and support groups researching human sexuality, especially those relating to pedophiles and pederasts. At present there is no real agreement on how best to treat these offenders. This leads to confusion in the courts, ineffective policy, frustrated law enforcement agencies and unprotected children.

7. Educate film processors and developers on child sexual exploitation and encourage them to report offenders.

FURTHER STUDY NEEDED

1. What happens to child victims of sexual exploitation in the court system?

2. What type of treatment programs are available statewide for victims and offenders?

3. How can child prostitution best be uncovered and handled by law enforcement and social service agencies?

4. How can runaways best be reported, found and assisted?

INTRODUCTION

Child sexual abuse, child pornography and child prostitution are not isolated phenomena. They frequently occur in combination with one another or lead one to the other. For instance, we know now that many children are victims of sexual abuse. It is estimated that one out of every three girls and one out of every four boys will be sexually victimized as a child. We know that 80 percent to 90 percent of the children are sexually abused by someone they know and trust, i.e. the baby sitter or a relative. Forty percent of child molestations are carried out by parents, step-parents and foster parents.(5) We are just beginning to understand, however, that these cases of child molestation may also involve the adult taking pictures of the child in sexually suggestive poses or taking part in sexual acts with other adults or children.

We are also just beginning to understand what happens to these abused children in their adolescent years and adulthood. As teenagers, they often run away from home and end up on the streets where they are exploited again. Some experts claim that 75 percent of adolescent prostitutes(6) and 80 percent of all female drug users have been victims of incest.(7)

If children leave home they have difficulty getting jobs, need money to live on and are lonely. Adults interested in using them in child prostitution or child pornography or both will seem to meet all of these needs. A pattern of victimization begun at home is difficult to break, especially when one is under 18, probably has low self-esteem and no saleable skills.

Another disturbing pattern currently under study is that child victims of sexual abuse often grow up to become the abusers and molesters of a whole new generation of children. Nicholas Groth, director of the Sex Offender Program at the Connecticut Correctional Institution in Somers, Conn., estimates that 80 percent of child molesters were sexually abused as children.(8)

It seems imperative for the health of present and future generations that this cycle be broken. The only way that this can be accomplished is through a clear understanding of child sexual abuse, child pornography and child prostitution and dedication to their eradication.

At least part of the reason that these problems remain unresolved today is that our society is still confused about sexual mores, First Amendment rights and government's role in protecting children and intrafamily relationships. We are only now beginning to force ourselves to see and to deal with abusive behavior within families and between adults and children. It has finally become apparent that the consequences of ignoring the problem can be devastating both for those directly involved and society as a whole.

CHILD EXPLOITATION IN NORTH CAROLINA

Today there is scarcely a study, report or investigation into human sexuality which does not indicate that child-adult sex is active and prevalent.

Of 5,058 reported sex crimes in New York City in 1975, 27.2 percent of the victims were under 14. In a study of over 1,500 male sex offenders in prison who committed 1,700 offenses, 598 were against children under 15. More than one-half of all victims of reported rape are under 18, and 25 percent of this number are under 12. (9) The National Committee for the Prevention of Child Abuse states that "there seems little doubt that the incidence of sexual abuse committed against children is vastly higher than anyone would like to believe."(10)

Child sexual abuse, most often perpetrated by someone known by the child, is frequently linked to child pornography and prostitution.

Children in North Carolina are legally protected against sexual exploitation by the Child Protection Act of 1983 (Appendix A). The act makes it a Class I felony (punishable by up to 5 years in prison or fine or both) for a parent, guardian or person having custody of a child less than 16 years of age to encourage or permit that child to engage in prostitution or any sexual act. It also makes it a Class I felony for a person to use a child in a sexual performance.

Before 1983 and the passage of the Child Protection Act, child sexual exploitation was dealt with only in criminal laws addressing rape, sexual offenses, indecent liberties with children and incest (see Appendix B for specific laws); child pornography was proscribed only by the ineffective general statutes punishing those who disseminate obscenity in public places; and child prostitution was not legally acknowledged.

In 1980, "the commission of any sexual act upon a juvenile" was added to the Juvenile Code's definition of an abused juvenile. In 1981 prostitution was added. These changes required the county department of social services to investigate and report these types of sexual exploitation by a parent or caretaker. Similar changes, however, were not made in the Criminal Code at this time.(11)

By July 1983 the North Carolina General Assembly felt the need to pass the Child Protection Act. Many factors were involved in this decision. Two years earlier David Shouvlin, who had worked with runaway and homeless children, called for strong legislation at the state level and pointed out that North Carolina was one of few states that had yet to adopt legislation dealing more broadly with child exploitation.(12)

Shouvlin, a graduate of Wake Forest University, wrote "Preventing the Sexual Exploitation of Children: A Model Act." In his article, Shouvlin pointed out the symbiotic relationship which exists between sexual abuse, child prostitution and child pornography. He stated that a "cohesive, coordinated statutory scheme" dealing with all aspects of the problem of child exploitation would provide the best means of retarding the growth of each.(13)

Another important factor in the decision of the N.C. General Assembly to pass the Child Protection Act was the 1982 Supreme Court decision in New York v Ferber. This decision "unanimously affirmed the constitutionality of state laws which outlaw dissemination of films and other materials depicting children engaging in sexual conduct regardless of whether the material is legally obscene."(14)

Also, some groups in North Carolina, such as the Christian Action League, had been expressing concern at legislative hearings about the presence of pornography in our state.

STATISTICAL DATA

Neither local nor statewide statistical data on the use of children in pornography and prostitution in North Carolina is available. The FBI Uniform Reporting Code, generally used by police, does not cover child abuse or exploitation.

Statewide, the Police Information Network (PIN) is attempting to establish incident-based reporting which would include data on the victim and the victim's relationship to the offender. This system deals with initial incidents as reported and not with the charges eventually brought against defendants after plea bargaining and would provide a clearer picture of the frequency of victimization of children and of the offender.(15)

At the present time, only 30 law enforcement agencies out of 400 are incorporated into the PIN system. That small number does not provide the data base necessary for scientific analysis and policy decision-making.(16)

Because of budgetary considerations, funding has not been provided for the continued expansion of the system. The PIN has the necessary computer terminals. At present $120,000 is needed to staff, process and automate the rest of the system.(17)

CHILD PORNOGRAPHY IN NORTH CAROLINA

Little information is available concerning the extent of child pornography in North Carolina. However, after a limited investigation (Appendix C), it is clear that it does exist here. Detection is difficult, however, because pedophiles are careful. They know state and federal laws and often are not involved in the commercial enterprises which are easier for authorities to infiltrate.

State, local and federal officials contacted for the purpose of this report mentioned the following cases:

> Rob Showers, a U.S. attorney for the Eastern District of North Carolina, has prosecuted three individuals in the last two years who were directly involved with child pornography.
>
> 1. One man took photos of his niece and nephews and created a library of child pornography. He also began offering reproductions to other pedophiles. During this time he and his wife adopted a young child.
>
> In 1982 he was convicted on Federal Mail Statute 1461 and he was sentenced to five years of active time plus a fine. According to Showers, the judge sealed the evidence after the trial which meant the state was unable to get enough evidence to remove the adopted child from the home.
>
> 2. Another man pleaded guilty to one charge each of conspiracy to mail obscene material and sexual exploitation. He was fined and sentenced to five years of probation because he assisted the FBI by testifying against the operator of a photography lab in New York through which he had film processed.

3. Another individual was recently indicted on four counts of using the mail to transport films of children engaged in sexual activity. A California pornography probe first turned up this person's name. If convicted, he could be sentenced to 30 years in prison and fined up to $30,000.(18)

Wake County has dealt with two cases in the past two years:

1. A husband and wife took photos of their niece. Someone working in a film processing lab turned the pictures over to authorities. The two were charged with taking indecent liberties with a minor.(19)

2. A mother and her boyfriend filmed the woman's three daughters in sexual acts over a period of seven years. The children finally went to a social service agency. The mother and boyfriend were charged with indecent liberties in January of 1984.(20)

Bill Andrews, district attorney, Onslow County, has had one case of a man taking photos of nude children. A film developer in Seattle, Wash., turned the pictures over to authorities. The man pleaded guilty to indecent liberties with a minor and was sentenced to three years in prison.

One North Carolina Court of Appeals case in 1982 involved a man who had taken photos of a child in sexually suggestive positions. The man was convicted of taking indecent liberties with a minor and appealed. However, his appeal was denied because the court felt that the word "with" in G.S. 14.202.1 is not limited to physical touching.(21)

Most individuals and agencies contacted by the writer of this report (Appendix C) had no recollection of having to handle any cases of child pornography.

Law Enforcement

Almost all law enforcement personnel questioned about child pornography spoke of the general difficulty in prosecuting pornographers. Although there is concern in the community about pornography, police are stymied by the U.S. Supreme Court rulings on obscenity laws and the North Carolina laws requiring an adversary hearing to determine if material being sold is in fact obscene.

Their frustration is understandable since adult bookstores are prolific in North Carolina and appear to operate without too much fear of censure.

The Charlotte Police Department completed an undercover operation recently to see if it could locate any child pornography in adult bookstores and peep shows. It found none. It is assumed that the federal Protection of Children Against Sexual Exploitation Act, passed in 1977, sent it underground in North Carolina, just as it did in the rest of the nation.

Experts believe that child pornography exists and the only real change is that more individual pedophiles are producing their own child pornography and fewer commercial pornographers are involved. Law enforcement officials and others need to be made aware of this trend and of the connection between sexual abuse and child pornography.

Since awareness seems low in North Carolina, opportunities for discovering evidence of child pornography are being missed. As the number of reported cases of child sexual abuse is believed to be very much below the actual number, it may follow that reported incidents of the use of children in pornography are also below the actual number.

If this is the case, the first problem for law enforcement is detection or reporting of incidents of the use of children in pornography. One change which might assist in this difficult task is to incorporate pornography in the description of an abused juvenile in the Juvenile Code. This would give the county department of social services the right to investigate and report to law enforcement agencies use of a child in pornography by a parent or caretaker. As the code is written now, departments can investigate and report the use of a child in pornography only if there is a sexual act committed against the child.(22)

If the actual level of use of children in pornography in North Carolina is to be detected, all agencies coming in contact with children have to be aware that many child pornographers are pedophiles who develop their own film. These people tend not to be suspect figures involved in general pornography and other illegal activities. They may, in fact, be well-respected, middle-class community figures.(23) It is this fact which makes confronting and dealing with child pornography difficult.

Because these people are perceived as good citizens, they are infrequently subjects of investigation or enforcement. Therefore, the child's and society's first line of defense against this type of exploitation is to teach children at home and in school that they have a right to their own bodies. Children must be taught that there is a difference between good and bad touching and photographing of certain parts of their bodies.

Prosecution

This study revealed that legal proceedings related to child pornography have been sparse. Other than the cases already mentioned, one district attorney recalled prosecuting a person for taking indecent liberties with a minor, a Class H felony which has a maximum sentence of 10 years. This law has been broadly interpreted to include the taking of pictures, with no touching necessary.(24) Since it has a stiffer penalty than the Child Protection Act of 1983, prosecutors will probably continue to use it where applicable.

Impact of The Child Protection Act of 1983 on Prosecution of Child Pornography

As of February 1984, the new law had not been tested in court. Until this is done, the full impact of the law cannot be estimated. However, the district attorneys surveyed were all pleased that the new law was available to them in case the need arose. They were also pleased that nonfeasance, or the failure of parents to intervene when they know of wrongdoing, as well as malfeasance, the actual wrongdoing, were covered.

The general attitude seems to be that this whole subject of child pornography has just begun to be explored and understood and that more cases will come to light as more people in the community are educated about its existence and the damage it inflicts on the children involved.

Suggestions for Further Legislation

There is some concern among officials that pedophiles could not be prosecuted under the present Child Protection Act, because of the words "before an audience" and "sexual performance."(25) Since most experts now believe that personal use plus trading with other known and trusted pedophiles is the trend in child pornography, there will be a need for further legislation that will cover this situation.

CHILD PROSTITUTION IN NORTH CAROLINA

The extent of child prostitution in North Carolina is even more difficult to assess than child pornography. Of the areas included in this limited study (Appendix C), only Charlotte reported some male and female minors involved in prostitution. According to local authorities, most of these youths are runaways or are from troubled homes.

It is impossible to know how many minors are involved in prostitution because police become specifically involved only when a complaint has been filed or when they have strong reason to believe that prostitution is occurring. Since those involved in child prostitution generally do not file a complaint, the police must take it upon themselves to initiate investigations.

Charlotte has one pending case involving six minor males being paid for sexual acts.(26)

Law Enforcement

Authorities in Charlotte claim that most of the young prostitutes they see are 16 and above. There are, however, some under the age of 16 who have left home for one reason or another.(27) Accurately determining the age of these juveniles is a problem, since for various reasons they often claim to be older than they actually are. They do not always view the police as rescuers because being put on probation, or being sent home, to a shelter or to a training school may not be perceived by them as being in their best interest.

Prosecution

Charlotte police do not usually use the state prostitution laws to deal with these children. They prefer to deal with them as "undisciplined juveniles." As defined in the Juvenile Code, these are individuals less than 16 years of age who are unlawfully absent from school, or are regularly disobedient and beyond control, or who are regularly found in places where it is unlawful for juveniles to be, or are runaways.

Being an undisciplined juvenile is considered a status offense and the juvenile can be placed under protective supervision of the court. The police can divert the case from the courts altogether if they feel that the family will handle the problem.(28) The in-take counselor at juvenile court also has the discretion to divert the case from the court. The juvenile may be sent to a temporary shelter such as Wrenn House in Wake County or The Relatives in Mecklenburg County, if the home situation is abusive or intolerable.

The basis of the problem of child prostitution exists in these dysfunctional family situations.(29) It is far better to deal with these children and their families before the child feels the need to run away. Once on the street they are difficult to help and far too easy to exploit.

Impact of The Child Protection Act of 1983 on Prosecution of Child Prostitution

If used, the Child Protection Act could help to cut down on the sexual exploitation of children, such as early sexual abuse in the home, including pornography. These exploited children often end up running away from home only to be exploited again through prostitution. According to the act, parents or caretakers who commit, permit or encourage acts of prostitution are guilty of child abuse. In the Charlotte cases, however, parents and caretakers did not appear to be directly involved in or to have knowledge of the activities of the juveniles,(30) so the act could not be used.

Suggestions for Further Legislation

Legislation aimed specifically at those who exploit children through prostitution is the only effective way to control child prostitution.

MISSING CHILDREN IN NORTH CAROLINA

Because no central agency is responsible for keeping track of missing children in North Carolina, officials can only estimate that 1,500 to 2,500 are reported missing each year.(31)

These children may be runaways, victims of abduction or murder. Most will be runaways and, according to Sgt. R. K. Carroll of the Raleigh Police Department, most will be "overnighters." These juveniles are either back home or have contacted their parents within 24 hours.(32)

There are some, however, who do not return. At present the ability to enlist the aid of other states and the federal government in tracing these children is minimal and haphazard.

Governor Jim Hunt recently established a Task Force on Missing Children to address, among other issues, data collection on missing children. Their report will be available in fall 1984.

On the federal level, the U.S. House and Senate have bills in committee which would aid states in dealing with missing children. (Pending federal legislation is discussed elsewhere in this report.)

NATIONAL PERSPECTIVE ON CHILD EXPLOITATION

CHILD PORNOGRAPHY

The following examples demonstrate some of the most common circumstances surrounding cases of child pornography and some characteristics of both victims and offenders.

1. Julie was a 3-year-old attending Isabel's Nursery School in Los Angeles, Calif. She was a normal, outgoing child whose vocabulary was expanding daily. However, Julie's use of the word "butt" puzzled her mother since it was not one that their family used. When she questioned the child more closely, she was told that James "took pictures of my butt today."

James, the owner of the day-care center, was a middle-aged man with a doctoral degree. When police finally arrested him, they confiscated more than 2,000 pictures of boys and girls between the ages of 2 and 5, including photographic shots of little Julie.(33)

2. Johnny, a troubled 13-year-old, was having difficulty getting along with both his real father and his stepfather. His mother was concerned about these problems and so she was pleased when Johnny was hired by a minister to help him with home repairs.

Later, his parents became suspicious about gifts and money that Johnny began bringing home. When they questioned him in depth, he broke down and told how the clergyman had convinced him to pose in homosexual acts to earn money.

"When the police arrested the minister, they found a diary and a photo album chronicling 13 years of encounters with young boys."(34)

The Offenders

The offenders, usually pedophiles, are almost always male. According to Nicholas Groth, pedophiles are divided into two types. The first type is the "fixated child molester" whose primary sexual interest is in children. According to Groth, this type usually chooses boys as victims. The second type is the "regressed molester" whose primary sexual interest is in adults but who turns to children, usually girls, when adult relations are not working.(35)

Groth claims that it is a myth that child molesters are "insane, retarded, drug addicted, alcoholic, homosexual or dirty old men."(36) He says that aside from their sexual behavior there is usually nothing to differentiate them. In fact, they are usually respectable, middle-class men with no criminal history.(37) Also, they may be married or have sexual involvement with adults.(38) In a 1978 study cited by the National Center on Child Abuse and Neglect in "Adult Sexual Orientation and Attraction to Underage Persons," it was found that "the adult heterosexual male constitutes a greater risk to the underage child than does the adult homosexual."(39)

In 1980 the Department of Health and Human Services' Office of Human Development Services funded the proposal "Research on the Use of Children in Pornography" under the aegis of Boston University initially and later the Department of Health and Hospitals, City of Boston. This project was designed as a first step toward increasing recognition and understanding of the problem of the use of children in pornography.(40) In this study, it is reported that the average age of the 69 offenders studied was 42. This report also indicates that of the men studied all had long histories of fixation to children and that attempts at rehabilitation from a psychological and/or social standpoint had failed.(41) The study will hereafter be referred to as the Burgess study after Dr. Ann Burgess, the principal investigator for the study.

Pederasts, or "chicken hawks" as they are called on the street, are pedophiles who prefer anal intercourse with young boys. Two infamous pederasts were murderers Dean Corll of Houston, Tex., and John Wayne Gacy, Jr., of Chicago, Ill. In the late 1970s these two horrified the nation when it was discovered that they had sexually assaulted and then murdered at least 67 boys. It is important to understand that these individuals killed because they were sadists and pederasts, not because they were homosexuals. " Responsible homosexuals no more condone the action of sadists or pederasts than responsible heterosexuals approve the molestation or torture of little girls."(42)

Pedophiles may kidnap children, molest them and then take photographs for their own use or to pass on to friends. This is a particularly disturbing aspect of child exploitation since children cannot be watched 24 hours a day especially as they get older. The extent of this aspect of the problem is not known but perhaps with the increased emphasis being placed on missing children since the Adam Walsh case, new insights and statistics will soon be available.

Adam Walsh was a six-year-old who disappeared from a Sears store in Hollywood, Fla., on July 27, 1981. His severed head was found two weeks later in a canal 100 miles away. In October 1983, the NBC television network aired a two-hour dramatization entitled "Adam," based on this tragic case. The pictures of 55 missing children were shown during the broadcast. As a result, 14 of these children have since been found.

The Victims

According to Carolyn Swift in Sexual Assault of Children and Adolescents, "Children are the least articulate and most exploited population suffering from society's failure to confront realistically the phenomena of human sexuality."(43) They are not born with instinctual morality or the ability to make discriminative decisions about harmful or non-harmful sexual activities.

The two examples of Julie and Johnny discussed earlier are fairly typical of some of the victims of child pornography. The child is frequently a non-complaining victim because the pedophile "uses the guise of friendship to romance the child."(44) He will take the youngster on trips, be a friend and do all of the things a child wants to do. "Then before you know it, he has talked him/her into sexual activities, told him that it was something okay to do and probably shown him pornographic pictures to lower his inhibitions."(45) Blackmail may also be used. Pornographers start off taking legitimate pictures, gain the confidence of the child, take some nude pictures and then threaten to expose the child unless he poses for more and more revealing pictures.(46)

Because pedophiles are found in every walk of life and insinuate themselves into groups and organizations dealing with children, "every child is a potential victim."(47) Even children from happy homes may be lured into sexual activities including pornography by someone familiar, someone they are supposed to respect. Children are taught to be good little girls and boys and to obey the teacher. Yet "Jacqueline Conner, head of the sexual crimes program in the Los Angeles County district attorney's office, gets at least one complaint a week that youth leaders, camp counselors, baby sitters or other people in positions of authority are involved in some form of child molestation including pornography."(48)

Commercial pornography operators and cruising pedophiles pick up runaways and "throwaways," i.e. children kicked out or simply abandoned by parents, who are particularly vulnerable because they have no way of earning a living and feel alone and alienated from their families.

Children may even be victimized by their own parents for their sexual gratification or financial gain. After one investigation in New York, where 8- to 14-year-olds were paid up to $200 per day to pose in the nude and while engaging in sexual activities with adults, the district attorney stated that the "mothers and fathers forced their daughters to return and participate in orgies....The parents knew those children were being molested and yet they did nothing to stop it. They were more interested in the money than in the welfare of their children."(49)

One generally thinks of home as "the place designed and expected to generate absolute trust in children and yet this trust may sometimes be violated in the worst possible manner."(50) The National Center on Child Abuse and Neglect estimated that 60,000 to 100,000 children in this country are sexually maltreated every year by family members or close friends. There seem to be close ties between many types of self-destructive and anti-social behavior in young people and incestuous relationships in the home. In reality, victims of incest may remain victims for the rest of their lives because "cross-generational incest mutilates self-image and feelings of self-worth."(51) These types of feelings leave young people vulnerable to all types of exploitation including pornography and prostitution. Also some children may run away from home in an attempt at self-preservation, then find themselves with only one means of support - their bodies.

Figures differ as to which sex is more likely to be exploited depending on whether one is speaking of molestation in general or child pornography specifically. Nicholas Groth writes that "boys and girls are almost equally at risk when speaking generally of sexual victimization." However, evidence seems to indicate that "more boys than girls pose and perform in kiddie porn."(52) This is substantiated in the Burgess study, which found that of 69 cases reviewed by the Postal Inspection Service, 52.1 percent involved the use of male children, 11.5 percent involved female children and 24.6 percent involved both male and female children.(53) This same study goes on to state that collectors of child pornography prefer male children. The preference is close to twice as frequent for boys as for girls."(54)

Commercial Versus Private Use

Experts are still trying to resolve the question of how much child pornography is for personal use and how much is for commercial distribution. Commercial child pornography is defined as films, photographs, magazines and books depicting children in explicit heterosexual and homosexual acts, and it has three elements. Those elements are production, distribution and sales.(55) It is generally agreed that in the 1970s commercial child pornography reached a peak. "By

1978, 260 different magazine titles featured juveniles engaged in sexual activities or otherwise posing lasciviously with other children or adults."(56) Some of the more popular magazines were Moppets, which featured 3- to 8-year-olds, Lollitots with children from 11 to 14 and Chicken Brats which featured young boys.(57)

In 1977 when evidence of the extent of the exploitation came to light through media investigations, police probes and congressional committee hearings, President Carter signed a new federal law entitled Protection of Children Against Sexual Exploitation Act. This act "prohibits anyone, including parents and guardians, from using children under 16 or enticing them to be depicted in sexual acts, and from shipping child pornography through the mails or in interstate or foreign commerce."(58) Until this act became law, states had relied upon rape, incest and child welfare statutes to punish those who sexually exploited children. "Prosecution under these statutes was uncertain and ineffective."(59) The California Department of Justice estimated that in 1978 pornographers were collecting $4 billion a year. This amount is what conventional motion pictures and records, combined, make in one year.(60)

Child advocates and lawmakers felt at that time that the susceptible children were primarily runaways who were easy prey for operators of prostitution and pornography rings and those unlucky children whose parents would use them for their own financial gain, possibly to pay for expensive drug habits. They also felt that this lucrative business was being increasingly penetrated by organized crime.(61) Because of this belief, the 1977 Protection of Children Against Sexual Exploitation emphasizes commerce and the commercial aspects of the pornography problem.

Today most experts believe that after the enactment of this law, the child pornography business went underground. They feel that more "brown bag kiddie porn is being produced today than slick professional products available, if at all, only via surreptitious under-the-counter sales at adult bookstores or other outlets."(62)

Dr. Frank Osanka, professor of sociology and social justice at Lewis University, claims that "there appears to be an incredible amount of swapping and communication among child porn collectors that apparently doesn't appear among collectors of regular porn."(63) Because child pornography is illegal these people become "members of a select underground group and establish a very viable pipeline of information and material."(64) The Burgess study found that of 69 cases reviewed by the Postal Inspection Service, "the classification of child pornography was divided evenly between commercial use, 46.3 percent, and personal use, 46.3 percent, and 4.3 percent were determined to include both commercial and non-commercial purposes."(65)

CHILD PROSTITUTION

Statistics specifically relating to child prostitution are difficult to obtain. According to a state legislative report on "The Sexual Exploitation of Children and Youth," one reason for this is that no one involved wants to talk. It seems to be agreed, however, "that the incidence of teenage prostitution has increased. Possible reasons for the increase include high unemployment among youth, lack of education and information about prospective jobs and dissolution of the family support structure."(66) Also, the apparent relationship between sexual abuse at home, especially incest, and later involvement in prostitution cannot be overlooked. According to Robert L. Geiser in Hidden Victims: The Sexual Abuse of Children, "75 percent of adolescent prostitutes have been involved in incestuous relationships."(67) This pattern is seen again in the early results of the Burgess study which states that 19 of 28 male adolescent prostitutes studied claimed their first sexual experience was coercive. Eleven of the 28 were victims of incest.(68)

MISSING CHILDREN

The 1983 Kentucky Task Force on Exploited and Missing Children reported that nationally at least 50,000 children are abducted by strangers and 4,000 are found dead each year. They claim 100,000 are victims of parental abductions with only 10 percent ever returned. These 10 percent exhibit moderately troubled to severely dysfunctional behavior. The study states that 1.5 million children are reported each year as runaways. Of the runaways, 35 percent are thought to leave because of incest, with 53 percent running from physical abuse and neglect. Some of the runaways are "throwaways." More than 80 percent of runaways are white children from middle and upper-class families. Ninety percent of the 1.5 million runaways return home within the first 48 hours. This leaves 150,000 missing and many others returning to unhealthy family situations.(69) The first 48 hours after a child is missing are the most crucial because after that time they become more vulnerable. The longer runaways are gone the less money they have and the more easily they may fall prey to drug rings, prostitution and/or child pornography. The link is seen here again between pornography and prostitution because both prey on the same type of lonely, homeless and penniless child. Children may end up in prostitution after having been involved in pornography or pornography may be used to desensitize a child for prostitution.(70)

Laws, too, often work against runaways in some states. In New York a child can leave home at 16, but without working papers, he can't work unless he is 18. "Working papers cannot be obtained without the signatures of a parent and school principal and without acquiring a physical from the board of health."(71) In other states, laws "prohibit children under certain ages from borrowing money, renting apartments or obtaining even the most menial low-paying jobs."(72) These children are "underage without a legal guardian or bona fide address and are ineligible for programs which provide training, education and jobs for youth or for welfare benefits. Without adult status, protection or a family, they are juvenile delinquents who are subject to arrest."(73) If they are picked up by the police, they are sent back home, sentenced to a reformatory, or remanded to an often inadequate, understaffed and underfunded rehabilitation institution.(74)

Prostitution has emotional appeal to runaways. "Despite risks, prostitution may be the more attractive alternative to the child because no other occupation will give the newcomer such immediate confirmation of his or her desirability."(75) This emotional vulnerability allows pimps and pedophiles to gain the trust of the child by seeming to give desperately needed affection and affirmation. Psychologists Dorothy H. Bracey and Samuel S. Janus claim many runaways view their pimps as substitute fathers. These psychologists interviewed 79 runaways, ages 14 to 17, who were involved full time in prostitution and pornography. They found that "the pimp builds upon the family model with himself as the exploiting father."(76)

EFFECTS OF SEXUAL EXPLOITATION ON CHILDREN

"Someday, maybe, there will exist a well-informed, well-considered and yet fervent public conviction that the most deadly of all possible sins is the mutilation of a child's spirit; for such mutilation undercuts the life principle of trust, without which every human act, may it feel ever so good and seem ever so right, is prone to perversion by destructive forms of consciousness." Erick Erikson (77)

Children bear psychological and physical effects of sexual exploitation.

"Children who are used sexually by adults or who are seduced, enticed or forced to pose for pornography are left almost inevitably with severe psychological scarring that can never be erased."(78) They are left feeling worthless, guilty, betrayed and angry. Dr. Julianne Densen-Gerber of New York's Odyssey House, which treats drug and alcohol addiction, claims that the "psychological damage is especially severe when `highly sexualized behavior' is imposed on children in the latency stage between the ages of approximately 8 and 13."(79) These children may permanently associate sex with personal powerlessness. They take on "themselves the guilt for what they accurately perceive as a distorted and sociably inacceptable form of behavior."(80) They feel as if there must be something wrong with them and this can lead to promiscuity or it may cause some to grow up with only negative feelings about sex.(81) "Sex can become a victim's only form of expression or it may become separate from feeling."(82)

Some children demonstrate self-destructive behavior either by suicide or by "turning to drugs and alcohol to desensitize themselves during the years they are sexually exploited or later to deaden memories."(83) According to Dr. Densen-Gerber, sexual experiences which involve penetration, within the mouth, anus or vagina, are especially damaging to children and can lead to feelings of lack of control over their bodies or their destinies.(84)

The use of a child in pornography even without severe sexual molestation can leave scars. According to a U.S. General Accounting Office report, children can be psychologically scarred and suffer mental distress for life. The child victims may see themselves as objects to be sold rather than people who are important.(85) Dr. Ann Burgess has stated that the secrecy demanded by pornographers "leaves kids feeling they are society's outsiders and increases the chances they will turn to antisocial behavior such as truancy, alcohol and drug abuse."(86) In the Burgess study, the results of a follow-up study of 25 boys and 15 girls conducted over a two-year period "support suggesting that the psychological trauma experienced by the child is expressed as a post-traumatic stress disorder, chronic type."(87) The children "remember feeling anxious and fearful at the time of the experience and angry at the event on follow-up." They had "vivid imagery of the event, frequent flashbacks and memory of the court/legal process. Also there was a high percentage of intrusive thought symptomology and avoidance behavior."(88)

One effect of participation in child pornography which is not necessarily found in other forms of abuse and exploitation is the fear that the pictures will be used again. One photo can hound a child for a lifetime. For example, a little league coach used provocative pictures of Brooke Shields as a child to entice a 9-year-old girl to a photo session. The man was eventually convicted but not all the pictures were found. Months later the young girl refused to attend her school's open house because she had had a dream that her teacher was displaying the photos of her which had not been found by the police.(89)

Physical effects of sexual exploitation can be damaging to both boys and girls.

As a result of sexual abuse, girls may suffer physical injuries such as laceration of the genital area, and both boys and girls may incur severe damage to their rectums after anal intercourse with adults. Adolescent girls face the possibility of pregnancy, and both boys and girls face severe physical damage from venereal disease.(90) Cases of gonorrhea of the mouth and throat are seen in even very young children.

When a child prostitute is controlled by a pimp, the possibilities of physical abuse and even death increase. One 14-year-old teenager who had been picked up by a pimp in Minneapolis and turned into a prostitute in New York testified before a New York State Select Legislative Committee on Crime and described the brutality that she had experienced. The pimp had lured her into going with him by promising good times and a glamorous life. After weeks of selling herself to five and 10 men a night for $20 a trick, six or seven days a week, she complained that she had had enough and wanted out. He beat her so brutally that he broke her jaw. When she left the hospital with her jaw still wired shut, "he pushed her back on to the street with instructions not to return until she had earned her old quota."(91) She earned $4,000 in three months. An attempt at suicide failed and she finally telephoned her family for help. She was reunited with them with the help of local police.

FEDERAL LEGISLATION

As of 1978, five federal laws prohibited the distribution of obscene material. One law curbed the mailing of obscene material, another banned importation of the material, the third prohibited the broadcasting of obscenity, and "two others ruled out the interstate transportation or use of common carriers to transport obscene material."(92) However, no federal statutes specifically forbade child pornography. Also the 1910 White Slave Traffic Act, or the Mann Act as it is more commonly known, prohibited only the transportation of females across state lines for prostitution purposes without providing a similar provision to protect boys.(93)

The problem with the federal laws concerning obscenity was that no one could agree on what was obscene. Law enforcement officials and prosecutors were hesitant to spend taxpayers' money and their time on cases which so frequently were being discarded on First Amendment grounds. Add to this problem the idea held by many citizens and court officials that pornography is a victimless crime and one can understand why the pornography business was in high gear in the mid and late seventies. If a case did get to court, pornographers often used the services of a few law firms specializing in obscenity cases which tended to increase their expertise.

When it was brought to Congress' attention that children were being exploited and abused by pornographers, action was taken to create a new federal law, the Protection of Children Against Sexual Exploitation Act of 1977. The law prohibits anyone - including parents and guardians - from using children under 16 or enticing them to be depicted in sexual acts, and from shipping child pornography through the mails or in interstate or foreign commerce.(94) It also expands the Mann Act to prohibit the transporting of any minor, whether boy or girl, for the purposes of prostitution or "prohibited sexual conduct which will be commercially exploited by another person."(95) The law provides for stronger sanctions against those sexually exploiting young people for financial gain. It does not deal with the problem of pedophiles who exchange, rather than sell, their products.(96)

In 1974 Congress had enacted the Child Abuse Prevention and Treatment Act (P.L.-93-247) which established the National Center on Child Abuse and Neglect within what is now called the Department of Health and Human Services. In 1978 Congress extended the Child Abuse Prevention and Treatment Act through September 1981 and amended the act by adding sexual exploitation to the definition of child abuse and neglect. This act has since been extended again. As a result of three amendments, states applying for State Child Abuse and Neglect grants are required to include sexual exploitation in their definition of child abuse and neglect.(97) If a state needs to amend its statute to include sexual exploitation as a reportable condition (North Carolina does need to amend), it has until the close of the second general legislative session of the state legislature that convenes after the effective date of these regulations to do so. (Effective date was Feb. 25, 1983.)(98)

Other federal acts which deal with children susceptible to exploitation are the 1974 Federal Runaway Youth Act, now known as the Runaway and Homeless Youth Act, and the 1982 Missing Children's Act. The early acts established shelters for runaways and started hotlines to help link runaways with services in the communities in which they find themselves.(99) The Chicago-based National Runaway Switchboard is part of a program including a network of 166 juvenile

shelters around the country. The switchboard's toll-free number is 1-800-621-4000. Some 125,000 calls are received each year.(100) By 1980 authorities had become aware that the "throwaway" problem was a component of homeless children. Now many shelters provide "on-site counseling for families in an effort to reunite them with their children."(101)

In 1982 the Missing Children's Act, sponsored by Senator Paula Hawkins, was made law. The act:

1. Ordered local law enforcement officials to enter into the FBI's National Crime Information Computer (NCIC), the names of children under 17 who have been missing for 48 hours and who have no history of running away. This information is available to police across the nation.

2. Gave parents, legal guardians or next of kin the right to enter the child's name in the NCIC computer if local officials do not.

3. Specified that information on unidentified bodies must be placed on an FBI computer available to coroners and law enforcement officials nationwide. All of this provides only access to the computer, however. It does not necessarily mean that the FBI would investigate. It becomes involved only if a federal law is broken; for example, proof of the occurrence of a kidnapping, i.e. a note left and the person is held for 24 hours.(102)

In May 1984 Congress passed and the president signed into law the Child Protection Act which amended the Protection of Children Against Sexual Exploitation Act of 1977. Section 2 of this act stated that child pornography is a multi-million-dollar industry which exploits thousands of children including large numbers of runaway and homeless youth (103) and concluded that this exploitation is "harmful to the physiological, emotional, and mental health of the individual child and to society."(104)

The Child Protection Act of 1984 enhanced prior legislation by 1) removing the obscenity requirement from the distribution offense, 2) removing the requirement that the production or distribution of child pornography be for commercial purposes, 3) raising the age of protection from 16 to 18, 4) increasing the penalties for violations, 5) upgrading the offense to include knowingly producing a "visual depiction" of sexually explicit conduct involving a minor for distribution, and 6) establishing criminal and civil forfeitures for those convicted under this act.(105)

PENDING FEDERAL LEGISLATION

The Missing Children's Act of 1982 amended Title 28 of the United States Code by requiring the attorney general to assist federal, state and local officials in the identification of certain deceased individuals and in the location of missing persons which includes unemancipated youth. Another bill currently before Congress, entitled the Missing Children's Assistance Act, if passed, will amend the Juvenile Justice and Delinquency Prevention Act of 1974. This bill calls for a national resource center and hot-line which would do the following: 1) provide technical assistance to state and local governments, agencies and individuals in locating and returning missing children; 2) coordinate public and private efforts to locate and return missing children; and 3) disseminate information nationally on innovative missing children's programs and services. The proposed center will also compile, analyze, publish and disseminate reports on research conducted on missing children.

The bill before Congress is different from its 1982 predecessor in that it calls for a full-time administrator and a five-member advisory board composed of experts in the public sector with expertise on missing children. Besides the responsibilities listed above, the administrator will be authorized to offer grants and enter into contracts with public and non-profit agencies for research, demonstration or service programs designed to educate the public, provide information in tracking missing children and compiling data to assist in investigations.

The proposed bill calls for appropriations of $10 million a year beginning in 1985 and continuing over a four-or five-year period.

APPENDIX A

AN ACT ENTITLED
THE CHILD PROTECTION ACT OF 1983

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-318.4 is amended by rewriting the last line of subsection (a) to read: "is guilty of child abuse and shall be punished as a Class I felon (imprisonment up to 5 years or fine or both)." and by adding new subsections (a1) and (a2) to read:

(a1) Any parent of a child less than 16 years of age, or any other person providing care to or supervision of the child, who commits, permits, or encourages any act of prostitution with or by the juvenile is guilty of child abuse and shall be punished as a Class I felon.

(a2) Any parent or legal guardian of a child less than 16 years of age who commits or allows the commission of any sexual act upon a juvenile is guilty of a Class I felony."

Sec. 2 G.S. 14-190.6 is amended by inserting the following language between "under this Article" and "and": "other than G.S. 14-190.12".

Sec. 3. Chapter 14 of the General Statutes is amended by adding a new section to read:

" 14-190.12. Sexual Performance by child.—(a) The use of a child in a sexual performance or the promotion of such a performance by a child shall be punished as a Class I felony. A person is guilty of the use of a child in a sexual performance if, knowing the character and content of the performance, he employs, authorizes, or induces a child whom he knows or reasonably should know is less than 16 years of age to engage in such performance. The parent, legal guardian, or custodian of a child less than 16 years of age is guilty of the use of a child in a sexual performance if he consents to the child's participation in such performance. A person is guilty of the promotion of a sexual performance by a child if, knowing the character and content of the performance, he produces, directs, or promotes such performance by a child who he knows or reasonably should know is less than 16 years of age.

For purposes of this section, promotion includes manufacture, delivery or dissemination. A sexual performance is any play, motion picture, photography, dance, or other visual presentation exhibited before an audience which includes sexual intercourse, buggery, bestiality, masturbation, sadomasochism, or lewd and lascivious exhibition of the genitals by a child less than 16 years of age.

(b) In addition to any other penalty imposed by law, a person found guilty of violating subsection (a) may be remanded by the court to a State authorized psychiatric facility to receive treatment and counseling for at least 90 days, to be served as a concurrent portion of any imposed sentence."

Sec. 4. This act shall become effective October 1, 1983, and shall apply to offenses committed on or after that date.

In the General Assembly read three times and ratified, this the 22nd day of July 1983.

APPENDIX B

CRIMINAL LAW
RAPE AND OTHER SEX OFFENSES

First-degree Rape.

(a) A person is guilty of rape in the first degree if the person engages in vaginal intercourse:

(1) With a victim who is a child of the age of 12 years or less and the defendant is of the age of 12 or more and is four or more years older than the victim; or

(2) With another person by force and against the will of the other person, and:

a. Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; or

b. Inflicts serious personal injury upon the victim or another person; or

c. The person commits the offense aided and abetted by one or more other persons.

(b) Any person who commits an offense defined in this section is guilty of a Class B felony (life imprisonment). (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1316, s. 4; 1981, c. 106, ss. 1, 2.)

Second-degree rape.

(a) A person is guilty of rape in the second degree if the person engages in vaginal intercourse with another person:

(1) By force and against the will of the other person; or

(2) Who is mentally defective, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally defective, mentally incapacitated, or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class D felony (up to 40 years). (1979, c. 682, s. 1; 1979, 2nd Sess., c. 1916, s.5.)

First-degree sexual offense.

(a) A person is guilty of sexual offense in the first degree if the person engages in a sexual act:

(1) With a victim who is a child of the age of 12 years or less and the defendant is of the age of 12 years or more and is four or more years older than the victim; or

(2) With another person by force and against the will of the other person, and:

(a) Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon; or

(b) Inflicts serious personal injury upon the victim or another person; or

(c) The person commits the offense aided and abetted by one or more other persons.

(b) Any person who commits an offense defined in this section is guilty of a Class B felony (life imprisonment). (1979, c.682, s. 1; 1979, 2nd Sess., c. 1316, s. 6; 1981, c. 106, ss. 3, 4.)

Second-degree sexual offense.

(a) A person is guilty of a sexual offense in the second degree if the person engages in a sexual act with another person:

(1) By force and against the will of the other person; or

(2) Who is mentally defective, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally defective, mentally incapacitated, or physically helpless.

(b) Any person who commits the offense defined in this section is guilty of a Class D felony (up to 40 years). (1979, c. 682, s.1; 1979, 2nd Sess., c. 1316, s.7.)

Taking indecent liberties with children.

(a) A person is guilty of taking indecent liberties with children if, being 16 years of age or more and at least five years older than the child in question, he either:

(1) Willfully takes or attempts to take any immoral, improper, or indecent liberties with any child of either sex under the age of 16 years for the purpose of arousing or gratifying sexual desire; or

(2) Willfully commits or attempts to commit any lewd or lascivious act upon or with the body or any part or member of the body of any child of either sex under the age of 16 years.

(b) Taking indecent liberties with children is punishable as a Class H felony (imprisonment up to 10 years or a fine or both). (1955, c. 764; 175, c. 779; 1979, c. 760, s.5.)

Incest between certain near relatives.

The parties shall be guilty of a felony in all cases of carnal intercourse between (i) grandparent and grandchild, (ii) parent and child or stepchild or legally adopted child, or (iii) brother and sister of the half or whole blood. Every such offense is punishable as a Class G felony (up to 15 years). (1879, c.16, s. 1; Code, s. 1060; Rev., s. 3351; 1911, c. 16; C. S., s. 4337; 1965, c. 132; 1979, c 760, s.5.)

Incest between uncle and niece and nephew and aunt.

In all cases of carnal intercourse between uncle and niece, and nephew and aunt, the parties shall be guilty of a misdemeanor, and shall be punished by a fine or imprisonment, in the discretion of the court. (1879, c. 16, s. 2; Code, s. 1061; Rev., s. 3352; C.S., s. 4338.)

APPENDIX C

REPORT INTERVIEWS

For the purpose of this report, the following people and agencies were contacted:

Bill Andrews, District Attorney, Onslow County
Wade Barber, District Attorney, Orange County
Charlotte Police Department
Peter Gilchrist, District Attorney, Mecklenburg County
Evelyn Hill, Assistant District Attorney, Wake County
Middle District, Office of U.S. Attorney
Raleigh Police Department
Rob Showers, U.S. Attorney, Eastern District
State Bureau of Investigation
Western District, Office of U. S. Attorney

This examination of child pornography and prostitution is an attempt to provide sound information on this important topic. However, in no way can it be considered comprehensive or scientific.

DEFINITIONS

Abuse: to use so as to injure or damage - physical maltreatment.

Buggery: same as sodomy; copulation with a member of the same sex or with an animal; or noncoital and especially anal or oral copulation with a member of the opposite sex.

Chicken Hawk: street name for pederasts, i.e., one who practices anal intercourse especially with a boy.

Chicken porn: pornography involving children generally - more specifically involving boys.

Child sexual abuse: (tentative definition adopted by National Center on Child Abuse and Neglect) - contacts or interactions between a child and an adult when the child is being used for the sexual stimulation of the perpetrator or another person. Sexual abuse may also be committed by a person under 18 when that person is either significantly older than the victim or when the perpetrator is in a position of power or control over another child.

Child pornography: sometimes called kiddie porn - refers to films, photographs, magazines and books depicting children in explicit heterosexual or homosexual acts.

Exploitation: an unjust or improper use of another person for one's own profit or advantage.

John: client of prostitute.

Molest: to annoy, disturb or persecute especially with hostile intent or injurious effect.

Pandering: to pimp; or to provide gratification for other's desires; or to cater to and exploit the weaknesses of others.

Pederast: one who practices anal intercourse especially with a boy.

Pederasty: anal intercourse especially with a boy as a passive partner.

Pedophile: one whose preferred sexual objects are children.

Pimp: one who encourages, supports and supervises a prostitute and is compensated from a prostitute's earnings.

Pornography: the depiction of erotic behavior (as in pictures or writing) intended to cause sexual excitement.

Sodomy: copulation with a member of the same sex or with an animal; or noncoital and especially anal or oral copulation with a member of the opposite sex.

Throwaways: children forced or encouraged to leave their homes or abandoned by parents.

NOTES

(1) "Children for Sale: Pornography's Dark New World," Reader's Digest, July 1983, p. 52.
(2) "Anybody's Child: The Problem of Missing and Exploited Children," Backgrounder, May 1983, p. 1.
(3) David P. Shouvlin, "Preventing Sexual Abuse of Children: A Model Act," Wake Forest Law Review, 17 (1981), p. 546.
(4) Ibid.
(5) Nicholas Groth, "Child Molesting," Good Housekeeping, 197:201, July 1983, p. 199.
(6) Robert L. Geiser, Hidden Victims: The Sexual Abuse of Children (Boston: Beacon Press, 1979), p. 133.
(7) Florence Rush, The Best Kept Secret: Sexual Abuse of Children (Englewood Cliffs, N.J.: Prentice-Hall, 1980), p. 169.
(8) Groth, p. 200
(9) Rush, p. 5.
(10) Marc Leepson, "Missing and Runaway Children," Editorial Research Reports, 1. No. 6 (Feb. 11, 1984), p. 112.
(11) Interview with Mary Lee Anderson, coordinator, Child Protective Services, Division of Social Services, Oct. 1983.
(12) Shouvlin, p. 547.
(13) Ibid, p. 553.
(14) Shelley A. Friend, "Sexual Exploitation of Children and Youth" State Legislative Report, 8, No. 6 (Oct. 1983), p. 3.
(15) Telephone conversation with Douglas Kappler, Police Information Network, Jan. 1984.
(16) Ibid.
(17) Ibid.
(18) Interview, Rob Showers, U.S. attorney for the Eastern District of North Carolina, Fall 1983.
(19) Interview, Evelyn Hill, assistant district attorney for Wake County, Fall 1983.
(20) "Pair waive extradition to N.C. on child sex-photo charges," The Raleigh Times, Jan. 28, 1984, p. 5B.
(21) State v. Kistle, 59 N.C. App. 724, 727, 297 S.E. 2d.626 (1982).
(22) Interview with Mary Lee Anderson.
(23) Groth, p. 197.
(24) Interview with Evelyn Hill.
(25) Interview with Mary Lee Anderson.
(26) Telephone conversation with Captain B. J. Smith, Commander Youth Bureau, Charlotte Police Department, Jan. 1984.
(27) Telephone interview with Captain B.J. Smith
(28) Ibid.
(29) Shouvlin, p. 541.
(30) Telephone conversation with Captain B. J. Smith.
(31) Bill Krueger, "Parents Agonize Over Lost Children," The News and Observer, Oct. 31, 1983. p. 1A.
(32) Ibid., p. 6a.
(33) Rita Rooney, "Innocence for Sale," Ladies Home Journal, April 1983, p. 127.
(34) Ibid.
(35) Groth, p. 199.
(36) Ibid, p. 197.
(37) Ibid.

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(39) "Domestic Violence: No Longer Behind the Curtains," A Guide To Current Topics (Plano, Texas: Instructional Aides, Inc., 1981) p. 58.
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